

U.S. Application No. 10/511,885
Amendment B dated October 28, 2008
Reply to Office Action mailed May 28, 2008

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the International application:

Listing of Claims:

1. (Currently Amended) A Functional food product: comprising a food and containing a physiologically compatible phospholipid-containing stable matrix consisting of (i) a supporting material selected from the group consisting of (un)modified carbohydrates, (un)modified proteins, hydrophobic materials, hydrophobic polymers, mineral components, and mixtures thereof, and (ii) ≥ 5 % by weight acetone-insoluble phospholipid components, based on a starting material of the acetone-insoluble phospholipid components, as a bioactive component.
2. (Currently Amended) The Functional food product as claimed in claim 1, wherein the food is in a form which is selected from the group consisting of a liquid, solid [[or]] and semiliquid form.
3. (Currently Amended) The Functional food product as claimed in claim 2, wherein the food is selected from the group consisting of a tea, coffee, milk, mineral drink, soft drink, power drink, energy drink, a vegetable, fruit juice, bark juice, nectar, liquid spice, elixir, tonic, and beer.
4. (Currently Amended) The Functional food product as claimed in claim 2, wherein the food is selected from the group consisting of a cereal product, a spice, an extract of a plant, fruit bark, a bar, pasta, sweet, slice and a soft product.

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5. (Currently Amended) The Functional food product as claimed in claim 2, wherein the food is a fermented milk product selected from the group consisting of butter, yogurt, cottage cheese, kumis, kefir, ready-to-use sauces, margarine, bread spread and creme.

6. (Currently Amended) A specialized Specialized food product comprising: a specialized food and containing a physiologically compatible phospholipid-containing stable matrix consisting of (i) a supporting material selected from the group consisting of (un)modified carbohydrates, (un)modified proteins, hydrophobic materials, hydrophobic polymers, mineral components, and mixtures thereof, and (ii) > 5 % by weight acetone-insoluble phospholipid components, based on a starting material of the acetone-insoluble phospholipid components, as a bioactive component.

7. (Currently Amended) The specialized Specialized food product as claimed in claim 6, wherein the specialized food product is for tube feeding.

8. (Currently Amended) The food product Food as claimed in claim 1, wherein the matrix is in a form selected from the group consisting of pellets, granulates, capsules [[or]] and microcapsules.

9. (Currently Amended) The specialized food product Food as claimed in claim 6, wherein the matrix contains ≥15% by weight acetone-insoluble phospholipid components, based on the starting material of acetone-insoluble phospholipid components, as the bioactive component.

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10. (Currently Amended) The specialized food product Food as claimed in claim 9, wherein the matrix contains between 5 and 90 % by weight acetone-insoluble phospholipid components, based on the starting material of acetone-insoluble phospholipid components.

11. (Currently Amended) The food product Food as claimed in claim 1, wherein the bioactive component in the matrix is selected from the group consisting of phosphatidyl serine, phosphatidyl choline, phosphatidyl ethanolamine, phosphatidyl inositol, phosphatidyl glycerol, lyso variants thereof, and sphingophospholipids.

12. (Cancelled)

13. (Currently Amended) The food product Food as claimed in claim 1, wherein the carbohydrates are selected from the group consisting of starch, starch esters, starch ethers, monosaccharides, disaccharides, sugar alcohols, glucose syrup, dextrins, a hydrocolloid of an alginate, a hydrocolloid of pectin, a hydrocolloid of chitosan, and cellulose.

14. (Currently Amended) The food product Food as claimed in claim 13, wherein the proteins are selected from the group consisting of plant protein, animal protein, microbial protein and mixtures thereof.

15. (Currently Amended) The food product Food as claimed in claim 14, wherein the proportion of supporting material is ≤ 95 % by weight based on the total weight of the matrix.

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16. (Currently Amended) The food product Food as claimed in claim 15, wherein the total matrix has a diameter between 1.0 μm and 5.0 mm.

17. (Currently Amended) The food product Food as claimed in claim 16, wherein the matrix further contains additional bioactive substances selected from the group consisting of amino acids, vitamins, polyphenols, carbohydrates, lipids, trace elements, and mineral substances.

18. (Currently Amended) The specialized food product Food as claimed in claim 10, wherein the matrix is spherical or has a lens shape.

19. (Currently Amended) The specialized food product Food as claimed in claim 10, wherein the matrix includes microcapsules having a diameter between 0.5 and 500 μm .

20. (Currently Amended) The specialized food product Food as claimed in claim 10, wherein the matrix includes a [[has]] liquid contents.

21. (Currently Amended) The specialized food product Food as claimed claim 10, wherein the matrix effects develops a delayed release of a material in a human gastric intestinal tract.

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22. (Cancelled)

23. (Currently Amended) A pharmaceutical preparation which is effective for treating conditions selected from the group consisting of elevated serum cholesterol levels [[and]] diabetes symptoms, strengthening mental fitness, exercising tolerance and fitness, comprising the food claimed in claim 1.

24. (Currently Amended) A method Method for treating conditions selected from the group consisting of elevated serum cholesterol levels, [[and]] diabetes symptoms, ~~for strengthening mental fitness, and/or for exercising exercise~~ tolerance and fitness in a human subject, comprising:

- a) providing food product as claimed in claim 1;
- b) producing a pharmaceutical preparation comprising said food product; and
- c) administering an effective amount of said pharmaceutical preparation to said subject which amount is effective for achieving beneficial results in treating the condition.

25. (Currently Amended) The food product Food as claimed in claim 8, wherein the matrix comprises a coating around is composed of a coat and a bioactive core.

26. (Currently Amended) The specialized food product Food as claimed in claim 10, wherein the matrix contains between 20 and 80 % by weight based on the starting material of the

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acetone-insoluble phospholipid components.

27. (Currently Amended) The specialized food product Food as claimed in claim 26, wherein the matrix contains between 40 and 70 % by weight based on the starting material of the acetone-insoluble phospholipid components.

28. (Currently Amended) The food product Food as claimed in claim 15, wherein the proportion of supporting material is between 30 and 80 % by weight based on the total weight of the matrix.

29. (Currently Amended) The food product Food as claimed in claim 16, wherein the total matrix has a diameter between 0.5 to 2.5 mm, especially in a capsule form.

30. (Currently Amended) The food product Functional food as claimed in claim 1 wherein the hydrophobic materials are selected from the group consisting of waxes, triglycerides, lipids, and mixtures thereof.

31. (Currently Amended) The specialized food product Food as claimed in claim 6 wherein the hydrophobic materials are selected from the group consisting of waxes, triglycerides, lipids, and mixtures thereof.

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32. (Currently Amended) The food product Food as claimed in claim 11 wherein the sphingophospholipid is sphingomyelin.

33. (Currently Amended) The food product Food as claimed in claim 14 wherein the proteins are selected from the group consisting of zein, gluten, gelatin, casein, whey proteins, single cell proteins, proteins from algae, texturized proteins, and mixtures thereof.

34. (New) A food product comprising: a food and a physiologically compatible phospholipid-containing stable matrix comprising (i) a supporting material selected from the group consisting of (un)modified carbohydrates, (un)modified proteins, hydrophobic materials, hydrophobic polymers, mineral components, and mixtures thereof, and (ii) $\geq 5\%$ by weight based on a starting material of an acetone-insoluble phospholipid component which phospholipid component is effective for acting as a bioactive component.

35. (New) The food product as claimed in claim 34 wherein the matrix has $\geq 15\%$ by weight acetone-insoluble phospholipid components, based upon the acetone-insoluble phospholipid component.

36. (New) A food product comprising a food and a physiologically compatible phospholipid-containing stable matrix comprising (i) a supporting material selected from the group consisting of (un)modified carbohydrates, (un)modified proteins, hydrophobic materials, hydrophobic polymers, mineral components, and mixtures thereof, and (ii) $\geq 5\%$ by weight based on a starting material of an acetone-insoluble phospholipid component applied to the support, the phospholipid component effective for acting as a bioactive component.

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37. (New) The food product as claimed in claim 36 wherein the matrix has $\geq 15\%$ by weight acetone-insoluble phospholipid components, based upon the acetone-insoluble phospholipid component.